

## **REMARKS**

Claims 1, 3-7, 9, 10, 21, and 23-28 are now pending in the application. Claims 2, 8, 11-20, and 22 have been cancelled. Claims 1, 4, 6, 9, 21, and 23-25 have been amended. Claims 26-28 are new. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

## **ALLOWABLE SUBJECT MATTER**

Applicant acknowledges the Examiner's indication that claims 2, 4, 8, 9, 22 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has amended claims 1, 6 and 21 to incorporate the limitations in original claims 2, 8 and 22, respectively. As a result, claim 1 and dependent claims 3-5 therefrom; claim 6 and dependent claims 7, 9 and 10 therefrom; and claim 21 and dependent claims 23-25 therefrom are in condition for allowance.

## **REJECTION UNDER 35 U.S.C. § 102**

Claims 1, 3, 6 and 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,456,357 (Wenner). As discussed above, claims 1 and 6 have been rewritten to include allowable subject matter as acknowledged by the Examiner. As a result, this rejection, as applied to claims 1, 3, 6 and 10 has been rendered moot.

Claims 21 and 23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 4,779,753 (Capy). Claim 21 has been rewritten to include allowable subject matter as acknowledged by the Examiner. As a result, this rejection, as applied to claim 21 has been rendered moot.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1, 3, 6, 7 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Capy. As discussed above, claims 1 and 6 have been rewritten to include allowable subject matter as acknowledged by the Examiner. As a result, this rejection, as applied to claims 1, 3, 6, 7 and 10 has been rendered moot.

Claims 1, 3, 6 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over German reference No. 29517259 (German reference). As discussed above, claims 1 and 6 have been rewritten to include allowable subject matter as acknowledged by the Examiner. As a result, this rejection, as applied to claims 1, 3, 6, and 10 has been rendered moot.

Claims 5 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Capy in view of U.S. Pat. No. 4,619,364 (Czopor). As discussed above, claims 1 and 21 have been rewritten to include allowable subject matter as acknowledged by the Examiner. As a result, this rejection, as applied to claims 5 and 25 has been rendered moot.

### **REJECTION UNDER 35 U.S.C. § 101**

Claims 11-20 stand rejected under 35 U.S.C. § 101. Applicants have cancelled claims 11-20.

### **NEW CLAIMS 26-28**

Applicants have submitted new claims 26-28 for substantive examination. While the outstanding prior art rejections have been rendered moot in view of the amended claims as described above, a brief description of the art previously relied upon by the Examiner in view of the new claims 26-28 is warranted.

At the outset, Applicants note that new claim 26 recites “a rear blister surface coupled to and opposing said front blister surface” (emphasis added). Further, claim 26 recites “allowing ... the other of the first and second sides to occupy a space between said opposed front and rear blister surfaces”. Applicants assert that the art of record fails to teach or suggest such a feature.

Wenner generally discloses a bucket 14 receivable within a carrier 12. Wenner fails to specify a display package that includes a front blister surface and an opposing rear blister surface. Applicants assert that the bucket and carrier structure of Wenner does not provide structure anywhere that is within the characterization of a “blister surface”. Rather, the bucket 14 and carrier 12 are simply comprised of strong plastic material (see Col. 3, Lines 5-8). The display package of the instant invention includes a front and a rear blister surface. Applicants submit that the term “blister” as used in the packaging art refers not to rigid plastic (such as disclosed in the art of record) but to a rounded, bulging and usually transparent structure for display and protection of a

product. See, e.g., paragraph [0055] of the instant application. The front and rear blister surfaces are typically discarded before the storage container is used.

In the most recent Office Action, the Examiner has identified the front blister surface as “outer edge surfaces of two legs 28, the surfaces adjacent bin 42”. In addition, the Examiner has identified the rear blister surface as “the surfaces formed for the cavity that receives the bin 42”. Assuming *arguendo* that these surfaces define blister surfaces, they do not oppose each other as provided in claim 26. Instead, they are merely adjacent (see e.g. FIGS. 2 and 3). Furthermore, one of the sides of the storage container (using the Examiner’s equivalent, bin 42) does not occupy a space between the opposed front and rear blister surfaces. Therefore, Wenner does not teach or suggest a display package that includes a front and a rear opposing blister surfaces, wherein one side of a storage container occupies a space between the opposed blister surfaces. Further, Applicants assert that the teachings of Wenner cannot be combined with the collective art of record to yield the instant invention as recited in claim 26.

Capy generally provides a make-up compact with multiple compartments. Nowhere does Capy disclose a display package that includes a front and a rear opposing blister surfaces, wherein one side of a storage container occupies a space between the opposed blister surfaces. Further, Applicants assert that the teachings of Capy cannot be combined with the collective art of record to yield the instant invention as recited in claim 26.

The German reference generally discloses a double tool case. Nowhere does the German reference disclose a display package including a front blister surface and a rear blister surface. The German reference provides a large storage container 10

having a front and rear side (two cover elements 11) and a small storage container 20 having a front and rear side (two cover elements). See e.g., FIG. 1. Although the cover elements of the storage containers may be made of molded plastic, the cover elements cannot be interpreted as front and rear blister surfaces. Assuming *arguendo*, the German reference does not also provide a storage container received in a cavity of the rear blister surface as required in claim 26 of the instant invention. Consequently, the German reference, alone or in combination with the art or record, does not provide a display package that includes a front and a rear opposing blister surfaces, wherein one side of a storage container occupies a space between the opposed blister surfaces.

Czopor discloses a thermoformed case having an insert card. Czopor alone, or in combination with the art of record does not teach the limitations of claim 26.

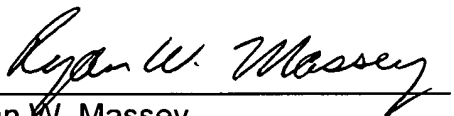
In view of the above, Applicants submit that claims 26-28 are in condition for allowance.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By:   
Ryan W. Massey  
Reg. No. 38,543

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

RWM/BDH/cr